REMARKS

Claims 44-62 presently appear in this case. No claims have yet been examined on the merits. All of the claims have been subject to restriction and election requirements. These requirements, in part, are respectfully traversed. Prompt consideration on the merits of all the claims now present in the case is hereby respectfully urged.

Restriction has been required under 35 U.S.C. §§121 and 372 among eleven specified groups. Among those groups, Group I is directed to DNA sequences and related claims and Group II is directed to polypeptides and related claims. This part of the restriction requirement is respectfully traversed.

The claims in all of Groups III-XI have now been deleted without prejudice toward the continuation of prosecution thereof in a divisional application. Claims with the subject matter of Groups I and II remain in the case, and the restriction requirement, insofar as it seeks to restrict the DNA from the polypeptide which it encodes, is hereby respectfully traversed.

It is well established that the expression of a DNA sequence in a host results in the production of a protein which is determined by the DNA sequence. Thus, the protein and the DNA sequence exhibit corresponding special technical features. The examiner's attention is invited to Example 17 in Part 2 of Annex B of the PCT Administrative Instructions, providing examples concerning unity of invention (page AI-43 of the Manual of Patent Examining Procedure). This example explicitly states that a claim to a protein, such as claim 54 herein, and a claim to a DNA sequence encoding that protein, such as claim 44 herein, exhibit corresponding special technical features and, thus, unity of

between these claims is accepted. In view of the fact that unity between these claims is accepted, all of the claims of Groups I and II should be examined together in this application. It is submitted that all of the claims now present in the case are directed to either the invention of Group I or the invention of Group II. Accordingly, all should be examined in this case. In order to be responsive, applicants hereby elect the claims of Group I.

The examiner states that the application contains claims directed to more than one species of the generic invention, and these species are deemed to lack unity of invention because they are not so linked so as to form a single inventive concept. The examiner states that the species are:

> (a) distinct members of compounds or substances listed as a DNA sequence encoding a G1 protein in Figure 1 or Figure 2; and
> (b) distinct members of compounds listed as a protein of G1 in Figure 1 or Figure 2.

The examiner has required election to a single species to which the claims will be restricted if no generic claim is finally held to be allowable but that, upon allowance of a generic claim, applicants will be entitled to consideration of claims to additional species. The examiner states that the G1α and the G1β isoforms lack the same or corresponding special technical feature because the isoforms are different structurally and/or functionally with regard to their site of action. This election requirement is respectfully traversed.

The G1α and the G1β isoforms are clearly structurally related. As can be seen in Figure 3, the G1α (hCASHα) and G1β (hCASHβ) sequences are identical in the first 222 amino acid residues thereof. The isoforms differ only in their C-terminal

portions. Thus, the examiner is incorrect when he states that the two isoforms are different structurally. Furthermore, there is no reason to believe that they are different functionally with regard to their site of action. Thus, claims 44 and 54 do not read on independent and distinct species. Nevertheless, in order to be responsive, applicants hereby elect the G1α isoform of SEQ ID NOs:1 and 2.

Filed on even date herewith is an Information Disclosure Statement submitting PCT publication WO 98/44104. Although this is not available as prior art, the examiner's attention is invited to the fact that the $FLIP_S$ molecule disclosed and claimed therein is identical to the presently claimed G1β (SEQ ID NO:4) and that the $FLIP_L$ molecule differs by only a single amino acid substitution from the presently claimed sequence of isoform G1α (SEQ ID NO:2). As the PCT application designates the U.S., the examiner should find the corresponding U.S. application to be relevant from the standpoint of an interference search.

Accordingly, reconsideration and withdrawal of the restriction and election requirement to the extent requested above and examination on the merits and allowance of all of the claims now present in the case are earnestly solicited.

Respectfully submitted,

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